

BENJAMIN B. WAGNER
United States Attorney
KURT A. DIDIER
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, California 95814
Telephone: (916) 554-2750

Attorneys for Plaintiff and
Counterdefendant

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL G. HEATH, JOHN P. HEATH
and MARY C. HEATH, Individually, and
dba OLE ARABIANS, a General
Partnership,

Defendants.

Case No. 2:90-cv-01585-EJG-JFM

**REQUEST FOR DISMISSAL WITH
PREJUDICE AND PROPOSED ORDER**

DANIEL G. HEATH, JOHN HEATH and
MARY HEATH,

Counterclaimants,

v.

UNITED STATES OF AMERICA,

Counterdefendant.

The parties, having resolved their differences, hereby request dismissal of this case with prejudice pursuant to Fed. R. Civ. P. 41(a). Each party shall bear its own costs and fees incurred

1 in this litigation.
2

3 BENJAMIN B. WAGNER
4 UNITED STATES ATTORNEY
5

6 Dated: December 27, 2010

7 By: /s/ Kurt A. Didier
8 KURT A. DIDIER
9 ASSISTANT U.S. ATTORNEY
10 Attorneys for the United States of America

11 Dated: December 22, 2010

12 By: /s/ Daniel G. Heath
13 DANIEL G. HEATH, individually and
14 dba OLE ARABIANS, Defendant and
15 Counterclaimant

16 GOLDSBERRY, FREEMAN &
17 GUZMAN, LLC

18 Dated: December 22, 2010

19 By: /s/ James T. Freeman
20 JAMES T. FREEMAN, ESQ.
21 Attorneys for Defendant and
22 Counterclaimant Daniel G. Heath

23 Dated: December 13, 2010

24 By: /s/ John P. Heath
25 JOHN P. HEATH, individually and dba
26 OLE ARABIANS, in pro per

27 Dated: December 13, 2010

28 By: /s/ Mary C. Heath
MARY C. HEATH, individually and dba
OLE ARABIANS, in pro per

ORDER

Pursuant to the parties' Request for Dismissal and Fed. R. Civ. P. 41(a), this case is
DISMISSED WITH PREJUDICE. Each party shall bear its own costs and fees incurred in this
litigation.

IT IS SO ORDERED.

Dated: January 3, 2011 /s/ Edward J. Garcia
EDWARD J. GARCIA
UNITED STATES DISTRICT JUDGE